

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 2 and 10. These sheets replace the original sheets including Figs. 2 and 10.

In Figure 2, the spelling of "DEFECT DETECTED" is corrected for step S5. In Figure 10, the orientation of the reference numeral "82" is corrected.

Attachment: Replacement Sheets and Annotated Sheets Showing Changes

II. REMARKS

A. Introduction

In this Office Action claims 1-10 are noted as pending and are rejected.

In summary of this Response, claims 1, 3, 5-6 and 8 are amended, new claims 11-12 are added to afford a differing scope of protection for the invention to which the applicants are entitled, and remarks are provided.

In particular regard to the new claims, see, e.g., page 14, lines 4 to 7 of the present application for support.

B. Section 112 Rejection

Dependent claims 3-4 and 8-9 are rejected under the first paragraph of 35 U.S.C. Section 112 on the ground that "enlarging" is deemed non-enabled.

In regard to the Examiner's statement that the priority document also does not include support, since the record only includes a certified copy of the priority document in the Japanese language, it will be assumed that the Examiner reads and fully understands Japanese. If, on the other hand, the Examiner is relying on an English translation of the priority document, it is expressly requested that the Examiner make the English translation of record. If the Examiner does not understand the Japanese language, and there is no English translation that is being relied upon, it is believed that the Examiner's conclusion about the contents of the priority document is without basis and should be withdrawn.

In regard to the Examiner's reference to "paragraph 32", as the U.S. specification was filed without numbered paragraphs, and since there can be some confusion as to how to count paragraphs (e.g., the paragraphs referring to the Figs.), Applicant's representative does not know to which paragraph the Examiner is referring.

Notwithstanding the above, reference is made to, e.g., page 15, lines 14 to 18 of the U.S. specification which describes "creating defect determination ranges in the extracted reference data block that are a prescribed amount larger than the features of the pattern functions." Further, page 19, lines 24 to 27, page 20, lines 1 to 10 and page 26, lines 2-5 of the specification and FIGS. 8-10 also clearly show and describe that defect determination ranges are created by a shift process of a designated amount that is performed on the features of pattern functions.

Thus, it is respectfully submitted that claims 3-4 and 8-9 were supported at least by the U.S. specification as filed. Nevertheless, claims 3 and 8 are amended herein to better describe this shifting of the outline of a region associated with the pattern functions.

C. Rejection of Claims 1-10 Under 35 U.S.C. §103

The claims have been rejected as being made obvious by a combination of Shishido et al. (U.S. Patent No. 6,865,288) and Chen et al. (U.S. Patent No. 6,721,695). The Action takes the position that Shishido et al. teaches the recited features of at least independent claims 1 and 6, except “using sensitivity codes,” or resultantly the “inspection sensitivity setter” and “allocating desired inspection sensibilities”, respectively, recitations. However, Chen et al. is cited for teaching such codes and setting inspection sensitivity thereto.

For the following reasons it is respectfully submitted that the present invention, as recited by amended claims 1-10 was not rendered obvious by the prior art.

Even assuming, for the sake of argument, that Shishido et al. teaches what the Examiner concludes, Chen et al. fails to compensate for the incomplete teaching of Shishido et al.

At most Chen relates to using sensitivity based only on a feature shape which is unrelated to the pattern functions. See, e.g., Column 4, lines 41 to 61 and Figs. 3 and 6.

In contrast, pattern functions of the present invention include, e.g., clock signal lines, address signal lines, data input-output signal lines, control signal lines, and power supply lines (see page 14, lines 4 to 7 of the present application), and inspection sensitivities are set for such pattern functions. Chen et al. fails to teach or disclose such use of the pattern functions and correlating the sensitivities thereto.

III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1-12 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

1/5/07

By: _____

William F. Herbert
Registration No. 31,024

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

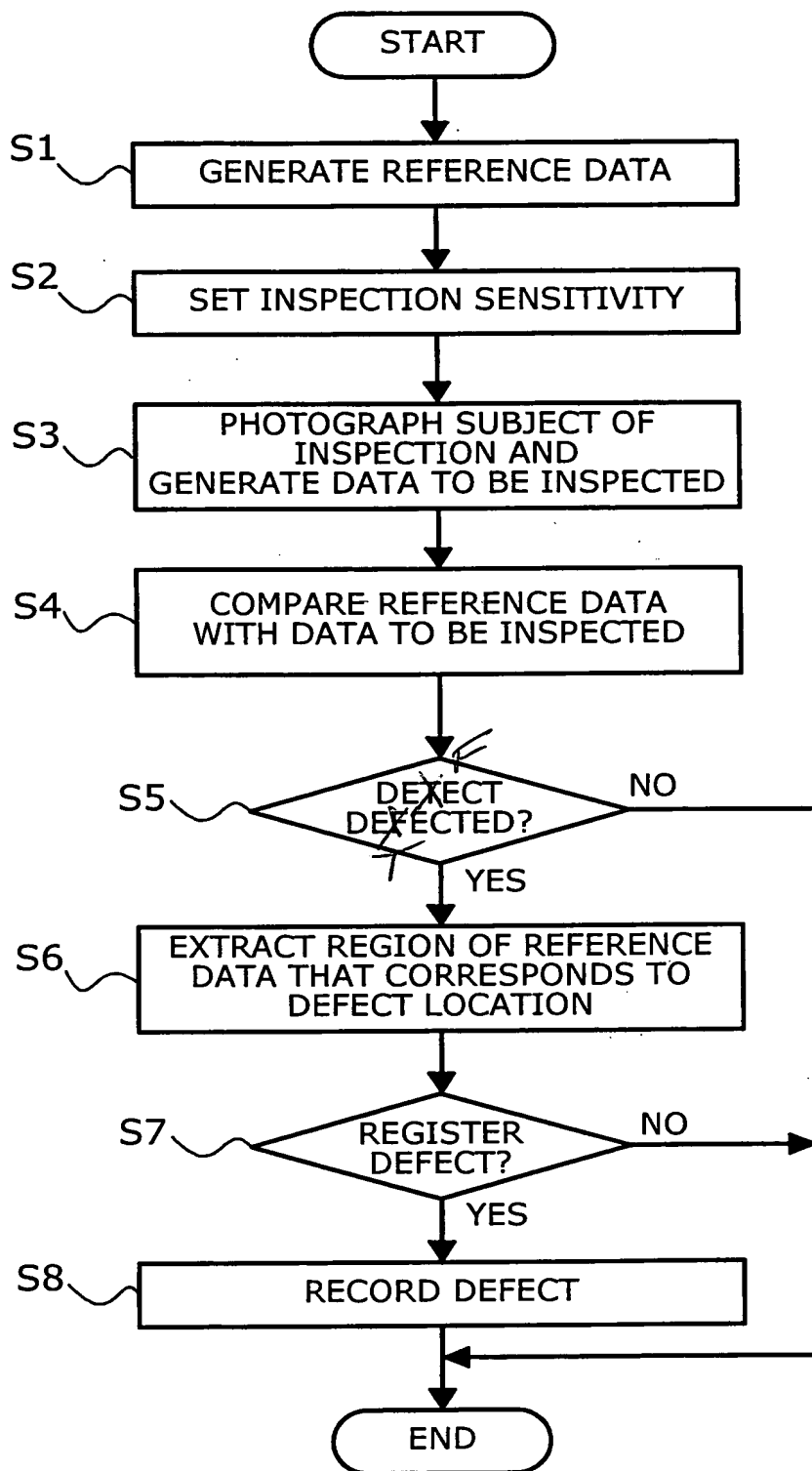


FIG. 2



FIG. 10